



# 中华人民共和国国家知识产权局

200233	上海桂平路 435 号 上海专利商标事务所有限公司 钱慰民	发文日
申请号: 2004800222232		
申请人: 英特尔公司		
发明名称: 用于转移空白的系统和方法		

## 第 3 次审查意见通知书

1. ☒ 审查员已收到申请人于 2008 年 2 月 22 日提交的意见陈述书, 在此基础上审查员对上述专利申请继续进行实质审查。

☐ 根据国家知识产权局专利复审委员会于 年 月 日作出的复审决定, 审查员对上述专利申请继续实质审查。

☐

2. ☐ 申请人于 年 月 日提交的修改文件, 不符合专利法实施细则第 51 条第 3 款的规定。

3. 继续审查是针对下述申请文件进行的:

☐ 上述意见陈述书中所附的经修改的申请文件。

☒ 前次审查意见通知书所针对的申请文件以及上述意见陈述书中所附的经修改的申请文件替换页。

☐ 前次审查意见通知书所针对的申请文件。

☐ 上述复审决定所确定的申请文件。

☐

4. ☒ 本通知书未引用新的对比文件。

☐ 本通知书引用下述对比文件(其编号续前, 并在今后的审查过程中继续沿用):

编号 文件号或名称 公开日期(或抵触申请的申请日)

5. 审查的结论性意见:

☐ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书的修改不符合专利法第 33 条的规定。

☐ 说明书的撰写不符合专利法实施细则第 18 条的规定。

☐

☒ 关于权利要求书:

☐ 权利要求 不具备专利法第 22 条第 2 款规定的新颖性。

☐ 权利要求 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☒ 权利要求 1, 13, 16 不符合专利法第 26 条第 4 款的规定。

☐ 权利要求 不符合专利法第 31 条第 1 款的规定。

☒ 权利要求 1, 8, 14, 16-17 的修改不符合专利法第 33 条的规定。

☐ 权利要求 不符合专利法实施细则第 2 条第 1 款的规定。

☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。

☒ 权利要求 3, 9-12 不符合专利法实施细则第 20 条的规定。



- ☐ 权利要求 \_\_\_\_\_ 不符合专利法实施细则第 21 条的规定。  
☐ 权利要求 \_\_\_\_\_ 不符合专利法实施细则第 22 条的规定。  
☐ 权利要求 \_\_\_\_\_ 不符合专利法实施细则第 23 条的规定。

☐ 分案的申请不符合专利法实施细则第 43 条第 1 款的规定。  
上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应依照通知书正文部分提出的要求, 对申请文件进行修改。  
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。  
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。  
☐

7. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的贰个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。  
(2) 申请人对其申请的修改应符合专利法第 33 条和实施细则第 51 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。  
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。  
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 3 页, 并附有下列附件:

- ☐ 引用的对比文件的复印件共 \_\_\_\_\_ 份 \_\_\_\_\_ 页。  
☐

审查员: 张坦 (A918)

2008 年 4 月 10 日

审查部门 电学发明审查部

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回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)

### 第三次审查意见通知书正文

申请号：200480022232

申请人于2008年2月22日提交了意见陈述书和经过修改的申请文件，审查员在阅读了上述文件后，对本申请继续进行审查，再次提出如下审查意见。

1、新修改的权利要求1、8、16和17中的下述内容“所述元数据包括标记，其指示所述线中的数据的地址和与线的状态相关的其它数据”既未明确地记载在原说明书和权利要求书中，也不能由原说明书和权利要求书记载的信息直接地、毫无疑义地确定，因为根据说明书第2页第3段的记载，标记是线中数据的唯一标识符或地址，但是其并不指示状态相关的其它数据，与状态相关的其它数据与标记是元数据并列包括的两个元素，因此修改超出了原说明书和权利要求书记载的范围，不符合专利法第三十三条的规定。

2、新修改的权利要求14中的下述内容“其中所示第一标识符是和所述元素关联的一组唯一比特”和“所述第二标识符将所述元素映射到查找群”既未明确地记载在原说明书和权利要求书中，也不能由原说明书和权利要求书记载的信息直接地、毫无疑义地确定，因此超出了原说明书和权利要求书记载的范围，不符合专利法第三十三条的规定。

3、新添加的权利要求16和17中的所述的“用于在需要将数据插入高速缓存中作为固定住数据时执行以下操作的装置……”既未明确地记载在原说明书和权利要求书中，也不能由原说明书和权利要求书记载的信息直接地、毫无疑义地确定，因此超出了原说明书和权利要求书记载的范围，不符合专利法第三十三条的规定。因为如果按照与反映流程的方法权利要求完全对应一致的方式，撰写装置权利要求时，应当将这种装置权利要求的各组成部分与方法权利要求的各步骤完全对应一致，但是该两个权利要求并没有将每个装置与方法步骤完全对应一致，上面提到的部分将几个步骤的执行组合为一个装置，这就不能由原说明书和权利要求书记载的信息直接地、毫无疑义地确定。

4、权利要求1中使用“查找群”概括了一个宽泛的概念，其包括了各种通过映射元素来识别的阵列，但本申请的实施例中仅给出了查找群如下的实现：为固定住数据在高速缓存中保留第一数量的未分配线，该第一数量小于所述高速缓存中的线数，将高速缓存中的其余线分配入N个动态数据结构，以表示高速缓存的N个组，此N个组即为

实现的查找群。依据本申请文件所记载的内容,所属技术领域的技术人员难于预见该宽泛的概念所概括的除本申请说明书所述方式之外的所有方式均能解决其技术问题。因此该权利要求没有以说明书为依据,不符合专利法第二十六条第四款的规定。如申请人对权利要求1进行修改,请注意其从属权利要求中出现的查找群是否也需要修改。

同样的问题也出现在权利要求13、16中,导致权利要求13和16没有以说明书为依据,不符合专利法第二十六条第四款的规定。

5、权利要求3中没有说明“空线池”的由来,没有清楚地说明空闲池是位于哪里的,其是如何得到的,由此导致该权利要求不清楚,不符合专利法实施细则第二十条第一款的规定。根据说明书第4页第12—14行的内容,可以获知权利要求1中所述的“未分配线”就是说明书中提到的空固定住线,请申请人确认权利要求3中的“空线池”是否就是说明书中提到的“空固定住线”的集合,同时请参照附图5中的530图框,如果是,则应当将其的名称与权利要求1中所述的“未分配线”的名称统一,以显示出两者表述的是同一个概念。如果两者相同,将权利要求3中的“空线池”也命名为“未分配线”,则可解决不清楚的问题。

6、权利要求9中没有说明“未分配线的池”的由来,没有清楚地说明其是位于哪里的,是如何得到的,由此导致该权利要求不清楚,不符合专利法实施细则第二十条第一款的规定。根据说明书第4页第12—14行的内容,可以获知权利要求8中所述的“固定住数据的池的线”就是说明书中提到的空固定住线,请申请人确认权利要求9中的“未分配线的池”是不是就是说明书中提到的“空固定住线”的集合,同时请参照附图5中的530图框,如果是,则应当将其的名称与权利要求8中所述的“固定住数据的线的池”的名称统一,以显示出两者表述的是同一个概念。

同样的问题也出现在权利要求11中,导致权利要求11不清楚,不符合专利法实施细则第二十条第一款的规定。

7、权利要求10中没有说明“所述线所属的组”中的“组”是一种什么结构,其是如何得到的:

权利要求10中没有说明“元数据”是一种什么数据,其作用是什么,而在不同的技术方案中,“元数据”不具有本领域公知的通用的解释。

上述问题导致该权利要求不清楚,不符合专利法实施细则第二十条第一款的规定。

依据说明书第2页第3—4段的内容,“元数据中包括标志,表示线是否被分配和是否被固定住,元数据中还包括标记,是线中数据的唯一标识符或地址”,申请人在修

改时可依据上述内容对元数据进行解释。

申请人在修改时，应当参考权利要求8中对“组”的定义。

8、权利要求12请求保护一种高速缓存管理系统，其包括处理器。处理器是一种装置，应该用装置结构的形式描述该处理器自身的结构特征，但该权利要求用了处理器能执行的方法步骤来限定，造成该权利要求不清楚，不符合专利法实施细则第二十条第一款的规定。

9、权利要求8第3行所述的“用于固定住数据的线的池”和第7行所述的“用于固定住数据的池的线”名称不统一，如果要“池”称为“用于固定住数据的线的池”，则不应当在同一权利要求中又称其为“用于固定住数据的池”，请将名称统一；

权利要求13第一行中出现了两遍“恒定访问时间界限”，请删除一个；

请将权利要求14中的CATB用完整的中文名称表示。

申请人应当在本通知书指定的答复期限内对本通知书提出的问题逐一进行答复，必要时应修改专利申请文件，否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书记载的范围。

申请人提交的修改文件应当包括：修改涉及部分的原文复印件，采用红色钢笔或红色圆珠笔在该复印件上标注出所作的增加、删除或替换；重新打印的替换页（一式两份），用于替换相应的原文。申请人应当确保上述两部分在内容上的一致性。

审查员：张坦

代码：A918



**THE PATENT OFFICE OF THE STATE INTELLECTUAL PROPERTY OFFICE  
OF THE PEOPLE'S REPUBLIC OF CHINA**

Address: No.6 Xi Tucheng Lu, Jiemeng Qiao Haidian District, Beijing Post code: 100088 P.O.BOX: Beijing 8020

**Shanghai Patent & Trademark Law Office**

Examiner

Application No.: 200480022223.2	Department:	Date of Dispatch May 9, 2008
Applicant: INTEL CORPORATION		
Title: SYSTEM AND METHOD FOR TRANSFERRING BLANKS		

**THE THIRD OFFICE ACTION**

1. ☒ The Examiner has received the observations delivered by the applicant on 22 February 2008, on the basis of which the Examiner has continued to proceed with the examination as to substance on the above application for patent for invention.
- ☐ Based on the Decision on Reexamination made by the Reexamination Board of the Patent Office on \_\_\_\_\_, the Examiner has continued to proceed with the examination as to substance on the above application for patent for invention.
2. ☐ The amended documents submitted on \_\_\_\_\_ by the Applicant do not conform with Item 3, Rule 51 of the Implementing Regulations, and can not be accepted; the applicant shall submit the amended documents that are in accord with the requirement(s) within one month from the receipt of this Notice, or it will be deemed that the Notice has not been responded to, and the application will be deemed to have been withdrawn.
3. The continued examination is directed at the following application documents:
- ☐ The amended application documents attached to the above observations.
- ☒ The application documents as pointed out by the last Office Action and the replacement sheets of the amended application documents attached in the above observations.
- ☐ The application documents as pointed out by the last Notice on Office Action.
- ☐ The application documents as certified by the above Decision on Reexamination.
4. ☒ This Notice has not cited any new comparison documents.
- ☐ This Notice has cited the following comparison material (The respective serial number(s) shall be used in the examination procedure(s) hereafter):

No.	Number/Title of Literature	Date of Publication (or the filing date of the conflicting Application)
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5. The conclusive opinions drawn from the examination:
- ☐ As regards the Specification:
- ☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right should be granted.
- ☐ The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.
- ☐ The amendment of the specification does not conform with the provision of Article 33 of the Patent Law.

☐ The drafting of the specification does not conform with the provision of Rule 18 of the Implementing Regulations.

☐

☒ **As regards the Claims:**

☐ Claim \_\_\_\_ does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.

☐ Claim \_\_\_\_ does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.

☐ Claim \_\_\_\_ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.

☐ Claim \_\_\_\_ falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.

☒ Claim 1.13.16 does not conform with the provision of Item 4, Article 26 of the Patent Law.

☐ Claim \_\_\_\_ does not conform with the provision of Item 1, Article 31 of the Patent Law.

☒ The amendment of the Claim 1.8.14 does not conform with the provision of Article 33 of the Patent Law.

☐ Claim \_\_\_\_ does not conform with the definition on invention as stipulated in Item 1, Article 2 of the Implementing Regulations.

☐ Claim \_\_\_\_ does not conform with the provision of Item 1, Rule 13 of the Implementing Regulations.

☒ Claim 3.9-12 does not conform with the provisions of Rule 20 of the Implementing Regulations.

☐ Claim \_\_\_\_ does not conform with the provisions of Rule 21 of the Implementing Regulations.

☐ Claim \_\_\_\_ does not conform with the provisions of Rule 22 of the Implementing Regulations.

☐ Claim \_\_\_\_ does not conform with the provisions of Rule 23 of the Implementing Regulations.

☐

Refer to the text of this Notice for the specific analyses of the conclusive opinion.

6. Based on the above conclusive opinion, the Examiner deems that:

☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.

☒ The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions. Otherwise said application will be rejected.

☐ There is no substantive contents in the application for patent which can be granted a patent right. If the applicant does not have sufficient reasons to enable it to be granted a patent right, said application will be rejected.

7. The applicant is asked to note the following items:

- (1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within two months from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn

- (2) The amendments of the application shall be made in conformity with the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations
  - (3) The Observations and/or amended documents of the applicant's shall be mailed or delivered to the Department of Receipt of the Patent Office. These documents shall have no legal effects if they are not mailed or delivered to the Department of Receipt
  - (4) Without first making an appointment, the applicant and/or his agent can not go to the Patent Office to have an interview with the Examiner
8. The text of this Notice totals 3 page(s), including the following attachments:
- ☐ duplicate copy(ies) of cited comparison document(s), altogether \_\_\_\_\_ copy(ies) \_\_\_\_\_ pages.
  - ☐

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### TEXT OF THE THIRD OFFICE ACTION

Upon examination, the Office Action is set forth as follows:

1. *(This formality defect will be handled by us and omitted.)*

2. The newly amended claim 14 includes the following expressions "wherein said first identifier is a unique set of bits associated with the element" and "said second identifier indicating that said element maps to the search group". These expressions are not directly written in the initial Specification and Claims, and cannot be derived therefrom in a direct and undoubted manner. Thus, this amendment does not comply with the provision of Article 33 of the Patent Law.

3. *(This formality defect will be handled by us and omitted.)*

4. Claim 1 includes the concept of "search group". However, according to the embodiments of the present application, a "search group" may only be implemented as follows: "reserving a predetermined number of lines for pinned data and organizing them into a pool of lines for pinned data and distributing the remaining lines in the cache into N dynamic data structures of approximately the same size to represent the N sets of the cache" (as presently defined in claim 8). The N sets of the cache constitute a search group.

The person skilled in the art cannot prospect that a "search group" that is implemented in some other manner is also applicable for the present application. Thus, the pending claim 1 is not well supported by the Specification, not complying with the provision of Item 4, Article 26 of the Patent Law.

The same defects exists in claim 13.

5. Claim 3 does not explain the derivation of "pool of free lines". The applicant is requested to confirm whether the "pool of free lines" is indicating a set of "free pinned line". If so, the applicant may amend the "pool of free lines" in claim 3 to be "unallocated lines", so as to conform to the description in claim 1.

6. Claim 9 does not explain the derivation of "pool of unallocated lines". The applicant is requested to confirm whether the "pool of unallocated lines" is indicating a set of "free pinned line". If so, the applicant may amend the "pool of unallocated lines" to be "pool for pinned data", so as to conform to the description in claim 8.

The same defect exists in claim 11.

7. Claim 10 does not explain the meaning of "metadata". The "metadata" has different meaning in different application situations.

The applicant may make further definition for "metadata" according to paragraph 06 of the Specification.

8. Claim 12 is seeking protection for a system including a processor. A processor, as a kind of apparatus, shall be defined in terms of structural features. The pending claim 12, however, only defines the processor in terms of process steps. Thus, the drafting of claim 12 is unclear, not complying with the provision of Item 1, Rule 20 of the Implementing Regulations of the Patent Law.